IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.154 OF 1994

Dattatraya N. Kadam & Ors. ..Petitioners.

V/s.

Shri Ajitkumar Jain, District Collector & Incharge, Kolhapur Municipal Corporation & Ors. ..Respondents.

Mr.N.V.Bandivadekar for petitioners.

Mr.A.A.Kumbhkoni, Asso. Advocate General for respondent Nos.1 and 2.

Mr.A.R.Patil, AGP for respondent No.3.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 25, 2006.

P.C. :

1. Heard counsel for the parties. Perused the averments in the petition.

2. I find substance in the stand taken on behalf of the respondent that on the basis of averments made in the petition, particularly from paragraph-9 onwards, it is obvious that the respondent had shown willingness to comply with the direction given by this court in its order dated February 18, 1994 and 29th April, 1994, but for reasons beyond the control of the respondent compliance could not be made, as the petitioners were not in a position to identify

their handcart, so that the same could be delivered to them. In other words, it is not a case of wilful disobedience of the order of the court. Hence, it is not necessary to precipitate the matter any further. Petition disposed of. Notices issued to the respondents stand discharged.